

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SPP PROPERTY BUSINESS AND	)	
MANAGEMENT, INC,	)	
Appellant,	)	Civil Action No. 08-1333
	)	(Bankruptcy No. 08-22982-JKF)
v.	)	
	)	
ALLEGHENY COUNTY, ET AL.,	)	
Appellees.	)	

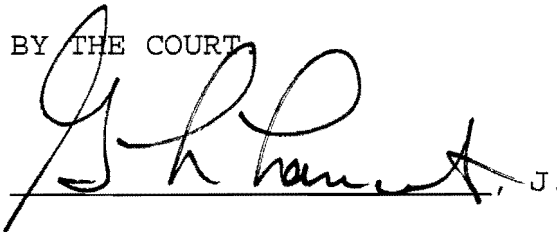
MEMORANDUM ORDER

The record in this case reflects that the instant appeal from an order issued by the United States Bankruptcy Court for the Western District of Pennsylvania was filed September 23, 2008. Pursuant to the undersigned's Procedural Order for Bankruptcy Appeals [document #3], the appellant's brief was due on or before October 14, 2008. Subsequent to issuance of that order, appellant sought, and was granted, an extension of time until November 15, 2008 to file their brief. None was filed and on November 18, 2008, a show cause order was issued to plaintiff, requesting that cause be shown by November 28, 2008 why the instant appeal should not be dismissed for failure to prosecute. As of the date of this order, no response to our show cause order, nor brief in support of the appeal, has been filed. Thus it appears to the Court that the appellant has abandoned this action.

Therefore, under the circumstances, and pursuant to Fed.R.Civ.P. 41(b), we will exercise our inherent power to dismiss the case due to the inaction of the party seeking relief. See Link v. Wabash Railroad Co., 370 U.S. 626 (1961).

Accordingly, this 3<sup>rd</sup> day of December, 2008, IT IS HEREBY ORDERED that the instant bankruptcy appeal is dismissed.

BY THE COURT

 J.

cc: All Counsel of Record